

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PEDDIE JENKINS,

Plaintiff,

Civil Case No. 1:14-CV-0064
(GTS/RFT)

-against-

THE COUNTY OF WASHINGTON; WASHINGTON COUNTY
SHERIFF'S DEPARTMENT; WASHINGTON COUNTY SHERIFF
JEFFEREY MURPHY, individually; WASHINGTON COUNTY
UNDERSHERIFF JOHN WINCHELL, individually; WASHINGTON
COUNTY SHERIFF'S DEPUTY SCOTT STARK, individually;
VILLAGE OF HUDSON FALLS; FALLS POLICE DEPARTMENT;
HUDSON FALLS POLICE CHIEF RANDY DIAMOND, individually;
HUDSON FALLS POLICE OFFICER SCOTT GILLIS, individually;
HUDSON FALLS POLICE OFFICER SCOTT MOULTHROP,
individually; CITY OF GLENS FALLS; CITY OF GLENS FALLS
POLICE DEPARTMENT; GLENS FALLS POLICE CHIEF WILLIAM
VALENZA, Individually; GLENS FALLS POLICE OFFICER PETER
CASERTINO, individually; GLENS FALLS POLICE OFFICER PAUL
FRETTELOSO, individually; NEW YORK STATE COMMISSIONER
OF DEPARTMENT OF CORRECTIONS AND COMMUNITY
SUPERVISION; NEW YORK STATE PAROLE OFFICER SCOTT
HURTEAU, individually; WASHINGTON COUNTY DISTRICT
ATTORNEY'S OFFICE; WASHINGTON COUNTY DISTRICT
ATTORNEY KEVIN KORTRIGHT, Individually; WASHINGTON
COUNTY ASSISTANT DISTRICT ATTORNEY DEVIN ANDERSON,
individually; and, WASHINGTON COUNTY DISTRICT ATTORNEY
MICHAEL STERN, individually,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the pleadings herein, and the enclosed Memorandum of Law, the undersigned, on behalf of Defendants, County of Washington, Washington County Sheriff's Department, Washington County Sheriff Jeffery Murphy, Washington County Undersheriff John Winchell, Washington County Sheriff's Deputy Scott Stark, Washington

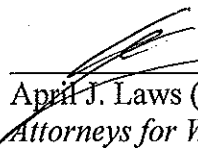
County District Attorney's Office, Washington County District Attorney Kevin Kortright, Washington County Assistant District Attorney Devin Anderson, Washington County Assistant District Attorney Michael Stern (hereinafter collectively "Washington County Defendants"), shall, upon submission of the papers, move this Court before the Hon. Glenn T. Suddaby, U.S.D.J., on the 15th day of May, 2014 at ten o'clock in the forenoon, or as soon thereafter as counsel may be heard, at Federal Building and U.S. Courthouse, Syracuse, New York for an Order: (a) dismissing Plaintiff's Complaint in its entirety as against all County Defendants pursuant to Federal Rule of Civil Procedure 12(b); and (b) for such other and further relief in favor of said County Defendants as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 7.1(b)(1) Plaintiffs' opposition papers, if any, must be served upon the undersigned within seventeen (17) days of the return date of this motion.

DATED: April 4, 2014

LEMIRE JOHNSON & HIGGINS, LLC

By:


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